

New York State Department of Environmental Conservation

Brownfield Cleanup Program

Citizen Participation Plan for Peters Dry Cleaning

316 Willow Street City of Lockport Niagara County, New York Site #C932128

February 21, 2007

Contents

<u>Section</u>		Page Number
1.	What is New York's Brownfield Cleanup Program?	3
2.	Citizen Participation Plan Overview	3
3.	Site Information	5
4.	Remedial Process	7
5.	Citizen Participation Activities	10
6.	Major Issues of Public Concern	10
Apper	ıdix A – Site Location Map	11
Apper	ndix B – Project Contacts and Document Repositories	12
Apper	ndix C – Brownfield Site Contact List	13
Apper	ndix D – Identification of Citizen Participation Activities	15
Apper	ıdix E – Brownfield Cleanup Program Process	16

Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the brownfield site's remedial process.

Applicant: Earl William Peters "Applicant" Site Name: Peters Dry Cleaning "Site"

Site Address: 316 Willow Street, Lockport, New York

Site County: Niagara County

Site Number: C932128

1. What is New York's Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage the private sector to investigate, remediate (clean up) and redevelop brownfields. A brownfield is any real property where redevelopment or reuse may be complicated by the presence or potential presence of a contaminant. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal and financial burdens on a community. If the brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants that conduct brownfield site remedial activities. An Applicant is a person whose request to participate in the BCP has been accepted by NYSDEC. The BCP contains investigation and remediation (cleanup) requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at: www.dec.state.ny.us/website/der/bcp.

2. Citizen Participation Plan Overview

This Citizen Participation (CP) Plan provides members of the affected and interested public with information about how NYSDEC will inform and involve them during the investigation and remediation of the Site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Appendix A contains a map identifying the location of the Site.

Project Contacts

Appendix B identifies NYSDEC project contact(s) to whom the public should address questions or request information about the Site's remedial program. The public's suggestions about this CP Plan and the CP program for the Site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

¹ "Remedial activities", "remedial action", and "remediation" are defined as all activities or actions undertaken to eliminate, remove, treat, abate, control, manage, or monitor contaminants at or coming from a brownfield site.

Document Repositories

The locations of the site's document repositories also are identified in Appendix B. The document repositories provide convenient access to important project documents for public review and comment.

Site Contact List

Appendix C contains the brownfield Site contact list. This list has been developed to keep the community informed about, and involved in, the Site's investigation and remediation process. The brownfield Site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming remedial activities at the Site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The brownfield Site contact list includes, at a minimum:

- chief executive officer and official(s) principally involved with relevant zoning and planning matters of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the Site and properties adjacent to the Site;
- the public water supplier which services the area in which the Site is located;
- any person who has requested to be placed on the Site contact list;
- the administrator of any school or day care facility located on or near the Site for purposes of posting and/or dissemination of information at the facility; and
- document repositories.

Where the Site or adjacent real property contains multiple dwelling units, the Applicant will work with NYSDEC to develop an alternative method for providing such notice in lieu of mailing to each individual. For example, the owner of such a property that contains multiple dwellings may be requested to prominently display fact sheets and notices required to be developed during the Site's remedial process. This procedure would substitute for the mailing of such notices and fact sheets, especially at locations where renters, tenants and other residents may number in the hundreds or thousands, making the mailing of such notices impractical.

The brownfield Site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the Site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix B. Other additions to the brownfield Site contact list may be made on a site-specific basis at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

CP Activities

Appendix D identifies the CP activities, at a minimum, that have been and will be conducted during the Site's remedial program. The flowchart in Appendix E shows how these CP activities integrate with the Site remedial process. The public is informed about these CP activities through fact sheets and notices developed at significant points in the Site's remedial process.

- Notices and fact sheets help the interested and affected public to understand contamination issues related to a brownfield site, and the nature and progress of efforts to investigate and remediate a brownfield site.
- Public forums, comment periods and contact with project managers provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a brownfield site's investigation and remediation.

The public is encouraged to contact project staff at any time during the Site's remedial process with questions, comments, or requests for information about the remedial program.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 6 or due to changes in the nature and/or scope of remedial activities. Modifications may include additions to the brownfield Site contact list and changes in planned citizen participation activities.

3. Site Information

Site Description

Peters Dry Cleaning, located at 316 Willow Street, in the City of Lockport, Niagara County, New York (Site, see Appendix A for a Locus Plan) is an approximate 0.35 acre parcel of land located within a mainly residential area in the City of Lockport. Residential dwellings are adjacent to the Site to the east, west, south and across Willow Street to the north. Altro Park (playground and ball fields) is located approximately 200 feet east of the Site on the north side of Willow Street. Lockport Plaza, a retail plaza, is located approximately 500 southwest of the Site. The area surrounding the Site is highly developed. No industrial, urban or agricultural land is located within ½ mile of the Site.

Site History

The Site has been operated as a dry cleaning facility since the late 1930s/early 1940s. Mr. E. William Peters purchased the property and the dry cleaning facility in the early 1970's. The previous owner (Rollin T. Grant) occupied and operated the Site as dry cleaning facility as well. Dry cleaning has been conducted at the Site since the late 1930's/early 1940's, prior to which a clothing tailor shop operated at the Site.

As further discussed in the next section, petroleum and chlorinated solvent contamination has been identified in the soil and groundwater at the Site.

Environmental History

A Phase II Environmental Site Assessment (ESA)¹ by GZA GeoEnvironmental of New York (GZA) identified petroleum and chlorinated solvent contamination in the soil and groundwater at the Site. Two storage tanks were also identified during the ESA. Based on the findings of the Phase II ESA, the New York State Department of Environmental Conservation (NYSDEC) assigned Spill No. 0475193 to the Site.

Two tanks were identified at the Site, a 1,000-gallon aboveground storage tank (AST) and an abandoned 6,000-gallon underground storage tank (UST). Both tanks were used to store heating oil prior to the Site being connected with natural gas. In April 2005, GZA removed the AST and UST in accordance with a NYSDEC approved February 2005 Work Plan. These activities are documented in GZA's June 2005 Closure Report².

During the excavation to remove the abandoned UST, approximately 2 cubic yards of petroleum contaminated material was removed inside the UST (i.e. sand) that had previously been placed into the UST unit as part of its interim or temporary closure. Some minimal petroleum contamination was also identified around the area of the UST. There was also approximately 30 tons of chlorinated solvent contaminated soil removed as part of an additional excavation activity done at the Site. The 30-tons were disposed of as hazardous waste at Chemical Waste Management in Model City, New York.

The facility has been in use as a dry cleaning facility since the late 1930s/early 1940s. Prior to its use as a dry cleaner, the facility was used as a clothing tailor shop. A blend of petroleum hydrocarbons known as Stoddard solvent was used for dry cleaning at the Site prior to tetrachloroethlyene (PCE) being used. Therefore, the petroleum contamination present at the Site may be a result of both the fuel oil previously stored and the historical use of Stoddard solvent. The chlorinated solvent contamination is likely due to the use of PCE. Since the Site was acquired by Peters Dry Cleaning in the early 1970's, Peters Dry Cleaning never operated either the fuel oil AST or the fuel oil UST. The use of percholorethylene (PCE) by Peters Dry Cleaning since the acquisition of the property has always involved the use of the "new generation" closed loop recycling dry cleaning equipment. Presently, there is no PCE used at the facility for dry cleaning.

Soil and groundwater samples were collected and analyzed during the ESA and tank closure work conducted by GZA. After review of the analytical data generated it appears that reductive dehalogenation in the form of natural attenuation or in-situ bioremediation is occurring at the Site.

Reductive dehalogenation is a defined as the biologically driven removal and replacement of chlorine (as chloride, similar to the anion in common table salt, sodium chloride) on a

¹ Phase II Environmental Site Assessment, Peters Dry Cleaners, 316 Willow Street, Lockport, New York; completed for Earle, Delange, May, Seaman, Jones, Hogan & Brooks, LLP; by GZA GeoEnvironmental of New York; August 2004.

² "Aboveground and Underground Storage Tank Closure Report, Peters Dry Cleaners, 316 Willow Street, Lockport, New York" prepared by GZA GeoEnvironmental of New York, dated June 2005.

chlorinated organic compound PCE with elemental hydrogen in the presence of a suitable electron donor causing a transformation of the chemical reactant to a less chlorinated product. An electron donor is defined as a compound capable of supplying electrons during oxidation-reduction reactions. Microorganisms obtain energy by transferring electrons from electron donors such as organic compounds or by the reduction of inorganic compounds to a terminal electron acceptor (TEA). Electron donors are chemically reduced materials such as fuel hydrocarbons or naturally occurring organic carbon, which become chemically oxidized during transformation.

For example, reductive dehalogenation of chlorinated aliphatic hydrocarbons (CAHs) typically occurs sequentially from PCE to trichloroethylene (TCE), TCE to 1,2-dichloroethene (1,2-DCE), 1,2-DCE to vinyl chloride (VC), and VC to ethene and chloride, and ultimately ethene to carbon dioxide and water.

The reductive dehalogenation process can be shown to be occurring by comparing the concentrations of the "parent" or source compounds, PCE and TCE, to the concentration of "daughter" compounds or breakdown by-products such as; 1,1-DCE, cis-1,2-DCE, trans-1,2-DCE and VC. This process can be seen occurring at the Site by comparing the relatively high ratios of "daughter" breakdown by-products versus "parent" chlorinated compounds present thus indicating that the reductive dehalogenation degradation process is taking place.

GZA is proposing a remedial strategy which involves the injection of electron donor material to further enhance the reductive dehalogenation process occurring and monitoring its progress with analytical testing and water quality parameters using a suggested network of existing and proposed monitoring wells.

4. Remedial Process

Note: See Appendix E for a flowchart of the brownfield site remedial process.

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Participant. This means that the Applicant was the owner of the site at the time of the disposal or discharge of contaminants or was otherwise liable for the disposal or discharge of the contaminants. The Participant must fully characterize the nature and extent of contamination onsite, as well as the nature and extent of contamination that has migrated from the site. The Participant also must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted commercial purposes.

To achieve this goal, the Applicant will conduct remedial activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the

Applicant sets forth the responsibilities of each party in conducting a remedial program at the site.

Investigation

If the Applicant conducts a remedial investigation (RI) of the site, it will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment as noted in Appendix D. The goals of the investigation are as follows:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other impacted media;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and/or the environment; and
- 4) Provide information to support the development of a Remedial Work Plan to address the contamination, or to support a conclusion that the contamination does not need to be addressed.

The Applicant will prepare an RI Report after it completes the RI. This report will summarize the results of the RI and will include the Applicant's recommendation of whether remediation is needed to address site-related contamination. The RI Report is subject to review and approval by NYSDEC. Before the RI Report is approved, a fact sheet that describes the RI Report will be sent to the site's contact list.

NYSDEC will determine if the site poses a significant threat to public health and/or the environment. If NYSDEC determines that the site is a "significant threat," a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the eligible site.

For more information about the TAG Program and the availability of TAGs, go online at: www.dec.state.ny.us/website/der/guidance/tag/.

Remedy Selection

After NYSDEC approves the RI Report, the Applicant will be able to develop a Remedial Work Plan if remediation is required. The Remedial Work Plan describes how the Applicant would address the contamination related to the site.

The public will have the opportunity to review and comment on the draft Remedial Work Plan. The site contact list will be sent a fact sheet that describes the draft Remedial Work Plan and announces a 45-day public comment period. NYSDEC will factor this input into its decision to approve, reject or modify the draft Remedial Work Plan.

A public meeting may be held by NYSDEC about the proposed Remedial Work Plan if requested by the affected community and if significant substantive issues are raised about the draft Remedial Work Plan. Please note that, in order to request a public meeting, the health, economic well-being or enjoyment of the environment of those requesting the public meeting must be threatened or potentially threatened by the site. In addition, the request for the public meeting should be made within the first 30 days of the 45-day public comment period for the draft Remedial Work Plan. A public meeting also may be held at the discretion of the NYSDEC project manager in consultation with other NYSDEC staff as appropriate.

Construction

Approval of the Remedial Work Plan by NYSDEC will allow the Applicant to design and construct the alternative selected to remediate the site. The site contact list will receive notification before the start of site remediation. When the Applicant completes remedial activities, it will prepare a final engineering report that certifies that remediation requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the remediation is protective of public health and the environment for the intended use of the site. The site contact list will receive a fact sheet that announces the completion of remedial activities and the review of the final engineering report.

Certificate of Completion and Site Management

Once NYSDEC approves the final engineering report, it will issue the Applicant a Certificate of Completion. This Certificate states that remediation goals have been achieved, and relieves the Applicant from future remedial liability, subject to statutory conditions. The Certificate also includes a description of any institutional and engineering controls or monitoring required by the approved remedial work plan. If the Applicant uses institutional controls or engineering controls to achieve remedial objectives, the site contact list will receive a fact sheet that discusses such controls.

An institutional control is a non-physical restriction on use of the brownfield site, such as a deed restriction that would prevent or restrict certain uses of the remediated property. An institutional control may be used when the remedial action leaves some contamination that makes the site suitable for some, but not all uses.

An engineering control is a physical barrier or method to manage contamination, such as a cap or vapor barrier.

Site management will be conducted by the Applicant as required. NYSDEC will provide appropriate oversight. Site management involves the institutional and engineering controls

required for the brownfield site. Examples include: operation of a water treatment plant, maintenance of a cap or cover, and monitoring of groundwater quality.

5. Citizen Participation Activities

CP activities that have already occurred and are planned during the investigation and remediation of the site under the BCP are identified in Appendix D: Identification of Citizen Participation Activities. These activities also are identified in the flowchart of the BCP process in Appendix E. NYSDEC will ensure that these CP activities are conducted, with appropriate assistance from the Applicant.

All CP activities are conducted to provide the public with significant information about site findings and planned remedial activities, and some activities announce comment periods and request public input about important draft documents such as the Remedial Work Plan.

All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed. Notices and fact sheets can be combined at the discretion, and with the approval of, NYSDEC.

6. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern, if any, that relate to the site. Additional major issues of public concern may be identified during the site's remedial process.

No major issues of concern have been identified with the Site.

11

Appendix B - Project Contacts and Document Repositories

Project Contacts

For information about the site's remedial program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Jeffery Konsella Project Manager NYSDEC Region 9 Division of Environmental Remediation 270 Michigan Avenue Buffalo, New York 14203 (716) 851-7220 Megan Boice Green Gollwill
Citizen Participation Specialist
NYSDEC Region 9
270 Michigan Avenue
Buffalo, New York 14203
(716) 851-7220

New York State Department of Health (NYSDOH):

Matthew Forcucci Project Manager NYSDOH 584 Delaware Avenue Buffalo, New York 14202 (716) 847-4385 Document Repositories

The document repositories identified below have been established to provide the public with convenient access to important project documents:

Lockport Public Library
23 East Avenue
Lockport, New York 14094
Attn: Reference Librarian
Phone: (716) 433-5935

Hours: Monday-Thursday 10am to 9pm Friday-Saturday 10am to 5pm NYSDEC Region 9 270 Michigan Avenue Buffalo, New York Attn: Jeffery Konsella Phone: (716)851-7220

Hours: Monday-Friday 9am-4pm

(call for appointment)

Les Reference Test

Appendix C – Brownfield Site Contact List

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Gregory Sutton, P.E. 270 Michigan Avenue Buffalo, NY 14203

Jeffery Konsella, P.E. 270 Michigan Avenue Buffalo, NY 14203

NEW YORK STATE DEPARTMENT OF HEALTH

Matthew Forcucci 584 Delaware Avenue Buffalo, NY 14202

NIAGARA COUNTY

William Ross

Niagara County Legislative Chairman

175 Hawley Street Lockport, NY 14094

County Manager 59 Park Avenue Lockport, NY 14094

CITY OF LOCKPORT

Michael Tucker Mayor One Locks Plaza Lockport, NY 14094

ADD Cty Concilmen

Richard Blackey Zoning Board Chairperson 49 Gaffney Road Lockport, NY 14094

Michael Diel Director of Public Utilities 611 West Jackson Street Lockport, NY 14094

ADJACENT PROPERTIES

Names and addresses of adjoining property owners have been removed from the CP Plan list, but are on file with NYSDEC.



Buffalo News One News Plaza PO Box 100 Buffalo, NY 14240

LCTV 293 Niagara Street Lockport, NY 14094

Lockport Union Sun & Journal 170 East Avenue Lockport, NY 14094

WLVL 1340 AM 320 Michigan Street Lockport, NY 14094

PUBLIC WATER SUPPLY

Michael Diel Director of Public Utilities 611 West Jackson Street Lockport, NY 14094

SCHOOLS & DAY CARES

No schools or day cares are located within a 1/4 mile radius of the Site. - Actually John Pound School

DOCUMENT REPOSITORY

With 1500 feet of Site

DOCUMENT REPOSITORY

Lockport Public Library 23 East Avenue Lockport, NY 14094

Appendix D – Identification of Citizen Participation Activities

Required Citizen Participation (CP) Activities	CP Activities Occur at this Point		
Application Process:			
• Prepare brownfield site contact list (BSCL)	At time of preparation of application to participate in BCP.		
Establish document repositories Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day comment period	When NYSDEC determines that BCP application is complete. The 30-day comment period begins on date of publication of notice in ENB. End date of comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice and notice to the BSCL should be provided to the public at the same time.		
After Execution of Brownfield Site Cleanup Agreemen	nt:		
• Prepare citizen participation (CP) plan	Draft CP Plan must be submitted within 20 days of entering Brownfield Site Cleanup Agreement. CP Plan must be approved by NYSDEC before distribution.		
After Remedial Investigation (RI) Work Plan Received:			
 Mail fact sheet to BSCL about proposed RI activities and announcing 30-day public comment period on draft RI Work Plan 	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. 30-day comment period begins/ends as per dates identified in fact sheet.		
After RI Completion:			
• Mail fact sheet to BSCL describing results of RI	Before NYSDEC approves RI Report.		
After Remedial Work Plan (RWP) Received:			
 Mail fact sheet to BSCL about proposed RWP and announcing 45-day comment period Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager in consultation with other NYSDEC staff as appropriate) 	Before NYSDEC approves RWP. 45-day comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day comment period.		
After Approval of RWP:			
Mail fact sheet to BSCL summarizing upcoming remedial construction	Before the start of remedial construction.		
After Remedial Action Completed:			
 Mail fact sheet to BSCL announcing that remedial construction has been completed 	At the time NYSDEC approves Final Engineering Report. These two fact sheets should be combined when possible if there is not a delay in issuance of the COC.		
Mail fact sheet to BSCL announcing issuance of Certificate of Completion (COC)			

Appendix E - Brownfield Cleanup Program Process

